

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION AT COLUMBUS**

KHAFANI L. FOSTER,

Petitioner,

: Case No. 2:20-cv-1346

- vs -

District Judge Algenon L. Marbley¹
Magistrate Judge Michael R. Merz

OHIO ADULT PAROLE AUTHORITY,

Respondent.

ORDER ADOPTING REPORT AND RECOMMENDATIONS

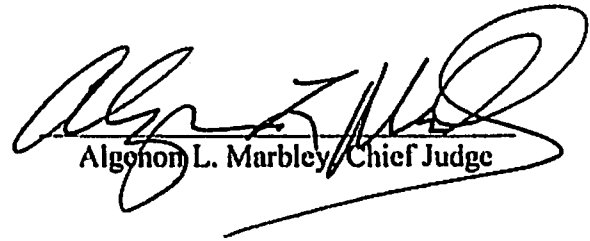
This habeas corpus case is before the Court on the Report and Recommendations of United States Magistrate Judge Michael R. Merz to whom the case was referred pursuant to 28 U.S.C. § 636 (b). The Report was filed and served on Petitioner on March 23, 2020. Petitioner was advised that any objections he might have were required to be filed not later than seventeen days thereafter, to wit, by April 9, 2020. No objections have been filed and the time for doing so has expired. Accordingly the Magistrate Judge's Report is ADOPTED. In accordance with his recommendation, it is hereby ORDERED that the above-captioned case be dismissed without prejudice to its refiling after Petitioner has exhausted available state court remedies. The Clerk shall enter judgment accordingly.

Because reasonable jurists would not disagree with this conclusion, Petitioner is denied a certificate of appealability and the Court certifies to the Sixth Circuit that any appeal would be

¹ The case was reassigned to the Chief Judge because of the death of The Honorable George S. Smith, the District Judge to whom the case was originally assigned (ECF No. 4).

objectively frivolous and should not be permitted to proceed *in forma pauperis*.

April 27, 2020.



Alphonse L. Marbley, Chief Judge